

CUSTOMS FACILITATION AND TRADE ENFORCEMENT REAUTHORIZATION ACT OF 2009

Mr. BAUCUS. Mr. President, Representative John Randolph, chairman of the House Ways and Means Committee in the early 1800s, said, "We all know our duty better than we discharge it."

U.S. Customs and Border Protection, or CBP, and Immigration and Customs Enforcement, or ICE, have two vital duties. They must protect our national security by ensuring that threats to that security do not cross our borders, and they must protect our economic security by ensuring that legitimate trade does cross our borders, smoothly and quickly. I have no doubt that CBP and ICE know these duties. But they must do a better job of discharging their trade duties.

Senator GRASSLEY and I introduced a bill that would require the agencies to do just that. The Customs Facilitation and Trade Enforcement Reauthorization Act of 2009 would direct CBP and ICE to make customs facilitation and trade enforcement a priority again, and it would provide the agencies with the tools and resources that they need to fully discharge those duties.

These agencies know that high-level officials must focus on their trade duties. The bill would help the agencies discharge those duties by creating new high-level positions at CBP devoted exclusively to trade. The bill would assign new trade facilitation and enforcement duties to the highest level official at ICE.

The agencies know that they must facilitate and expedite legitimate trade across our borders. The bill would help the agencies to discharge those duties by providing trade facilitation benefits, such as faster customs clearance, to importers with a history of complying with U.S. customs and trade laws. The bill would also require the Secretary of Homeland Security to identify and provide trade facilitation benefits to importers that provide additional security information. The bill would provide funding for automated programs that would help CBP process imports more quickly.

The agencies know that they must enforce U.S. trade, intellectual property, and health and safety laws at our borders. The bill would help the agencies to discharge those duties by giving CBP new tools to identify goods that are most likely to violate these laws. It would give CBP the means to prevent those goods from crossing our borders. It would require ICE to do more to prevent the importation of goods made with forced, convict, or indentured labor.

The agencies know that they must listen to Congress and the business community when taking significant actions that affect America's competitiveness. The bill would help the agencies to discharge that duty by requiring CBP to engage in robust consultation before taking such steps.

The agencies know that they must serve rural border areas, such as those in my home State of Montana. The bill would help the agencies to discharge that duty by creating a pilot program to establish 24-hour ports along these border areas, ensuring that legitimate trade can flow quickly through these areas.

So let's come together to reauthorize CBP and ICE. Let's give these agencies the tools and resources they need to facilitate and enforce international trade. And let's help CBP and ICE to discharge these duties that are so essential to our economic security.

EXPAND BUILDING ENERGY EFFICIENCY ACT OF 2009

Ms. SNOWE. Mr. President, I rise to speak about legislation that I introduced, the Expanding Building Efficiency Incentives Act of 2009, which would expand the tax incentives for building and put our country on course to reduce energy consumption in a sector that currently consumes 40 percent of our total energy. I am pleased to have worked with Senator FEINSTEIN and BINGAMAN, two longtime leaders on energy efficiency, on this proposal and look forward to discussing this bill with my Finance Committee colleagues.

One inexcusable legacy of this housing crisis is that the vast majority of homes constructed over the last 10 years during the housing boom have been inefficient. While an inefficient vehicle purchased today may guzzle gasoline for an average of 10 years, an inefficient building will require elevated levels of energy for as long as 50 years. Therefore, whenever we create inefficient buildings, generations to come will be saddled with our wasteful energy decisions. Last week McKinsey and Company in a report, "Unlocking Energy Efficiency in the US Economy," concluded that a major investment in energy efficiency could save \$1.2 trillion and cut consumption 23 percent by 2020. This legislation serves as a cornerstone to realizing these opportunities.

The Expanding Building Efficiency Incentives Act builds on current tax incentives that have worked to move the market toward energy efficiency. While the marginal costs of constructing an energy-efficient building may be higher than an inefficient building, the long-term energy savings have environmental and energy dividends, as well as ultimate cost savings. These tax incentives provide an incentive to correct this market failure and obtain these long-term benefits.

Specifically, the bill includes an extension of the current energy-efficient new homes tax credit for 3 years, which requires new homes to be 50 percent better than current code with respect to heating and cooling. In addition, this bill will create a new tier for a \$5,000 tax credit if a building consumes 50 percent less total energy than a

comparable building. The current tax credit system for new homes has been very successful. According to the Residential Energy Services Network, 4.6 percent of all new homes met these rigorous standards in 2008, which adds up to nearly 22,000 homes being at the cutting edge of energy efficiency. This tax credit is working and not only should we extend this tax credit, but we must build on this to encompass additional energy consumption in a new home.

In addition, the bill would provide a \$500 tax credit for individuals to become professional energy auditors, experts that can reduce our country's demand for oil, reduce carbon emissions, and save our struggling families money on their energy bills. In addition, a \$200 tax credit is established for homeowners to hire these professional energy auditors and analyze the deficiencies of an existing home and propose investments that will save the taxpayer money. As we move forward with dedicating significant resources to energy efficiency in this legislation it is critical that we ensure that this funding is utilized effectively by a professional energy efficiency industry and this amendment will accomplish this critical goal.

Finally, the amendment increases the tax credit for energy-efficient commercial buildings by increasing the deduction from \$1.80 cents per square foot to \$3.00 per square foot. The original version of the commercial buildings tax deduction as passed by the Senate set the deduction to \$2.25 per square foot, with the critical support of the current Finance chairman and ranking member. Adjusting for inflation, this corresponds to \$3.00 per square foot today with partial compliance increased to \$1.00 per square foot. These changes would return the deduction to viability as it was originally designed and ensure that commercial building developers are provided an adequate incentive to pursue energy efficiency.

Earlier this year, a New York Times editorial pointed out that we are an extremely energy inefficient economy—the 76th best country in the world. This must change if we are to retain our leadership in this world, and I look forward to working with my colleagues to improve our ranking and increase our country's energy efficiency.

CLEANER, SECURE, AND AFFORDABLE THERMAL ENERGY ACT

Ms. SNOWE. Mr. President, I rise to speak about the Cleaner, Secure, and Affordable Thermal Energy Act, which I introduced with Senator BINGAMAN. This bill will add diversity to the fuel usage of Americans who are forced to use home heating oil, a heating source that has gone through wild price swings and last year reached historic prices. While I strongly believe that we must invest in weatherization and energy efficiency, I also believe that we must create diversity for thermal energy.